



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

January 27, 2009

Ms. Michelle L. Villarreal
Assistant City Attorney
City of Waco
P.O. Box 2570
Waco, Texas 76702-2570

OR2009-01070

Dear Ms. Villarreal:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 337249.

The Waco Police Department (the "department") received a request for a copy of a 9-1-1 call pertaining to a specified incident. You state that some responsive information has been released to the requestor. You claim that some of the submitted information is excepted from disclosure under sections 552.101 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information that other statutes make confidential. Chapter 772 of the Health and Safety Code authorizes the development of local emergency communications districts. Section 772.318 applies to an emergency communication district for a county with a population of more than 20,000. We understand you to assert that the City of Waco's emergency communication district is subject to section 772.318. Therefore, to the extent the originating telephone number of the 9-1-1 caller was supplied by a 9-1-1 service supplier, the telephone number you have highlighted in pink within the submitted CAD record is confidential under section 772.318 of the Health and Safety Code and must be withheld from disclosure under section 552.101 of the Government Code. To the extent the telephone number you have highlighted was not provided by a 9-1-1 service supplier to the emergency communication district, this information may not be withheld under section 552.101 in conjunction with section 772.318, but instead must be released.

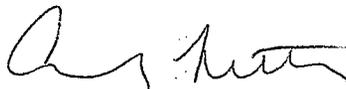
Section 552.130 excepts from disclosure "information [that] relates to . . . a motor vehicle operator's or driver's license or permit issued by an agency of this state [or] a motor vehicle title or registration issued by an agency of this state." Gov't Code § 552.130. The department must withhold the Texas motor vehicle record information that you have highlighted in pink and the corresponding information on the submitted audio recording pursuant to section 552.130 of the Government Code. We note that if the department lacks the technical capability to redact the information subject to section 552.130 from the audio recording at issue, the department must withhold the recording in its entirety. *See* Open Records Decision No. 364 (1983).

In summary, to the extent the originating telephone number of the 9-1-1 caller was supplied by a 9-1-1 service supplier, the telephone number you have highlighted in pink within the submitted CAD record is confidential under section 772.318 of the Health and Safety Code and must be withheld from disclosure under section 552.101 of the Government Code; if the highlighted telephone number was not provided by a 9-1-1 service supplier to the emergency communication district, this information may not be withheld under section 552.101 in conjunction with section 772.318, but instead must be released. The department must withhold the pink highlighted Texas motor vehicle record information and the corresponding information on the submitted audio recording pursuant to section 552.130 of the Government Code; however, if the department lacks the technical capability to redact the information subject to section 552.130 from the audio recording at issue, the department must withhold the recording in its entirety. The remaining submitted information must be released to the requestor.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Cindy Nettles
Assistant Attorney General
Open Records Division

CN/jb

Ref: ID# 337249

Enc. Submitted documents

c: Requestor
(w/o enclosures)